

**Enrolled Minutes of the Ninety-Third Regular or Special Meeting
For the Twenty-Eighth Highland Town Council
Regular Plenary Meeting
Monday, July 08, 2019**

The Twenty-Eighth Town Council of the Town of Highland, Lake County, Indiana met in its regular plenary session on Monday, July 08, 2019 at 6:32 O'clock P.M. in the regular place, the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Pursuant to HMC Section 2.05.130(A)(2), the Town Council considered and reviewed the agenda in an informal proceeding conducted in the anteroom to the plenary meeting room. Once completed the Town Council moved to the plenary meeting room.

The Town Council President, Steve Wagner presided. The Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Councilor Konnie Kuiper reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

Roll Call: Present on roll call were Councilors Bernie Zemen, Mark Herak, Dan Vassar, Konnie Kuiper and Steve Wagner. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Esq., Town Attorney; John M. Bach, Public Works Director; Peter T. Hojnicky, Police Chief; Alex M. Brown, CPRP, Superintendent of Parks and Recreation; William R. Timmer, Jr., CFOD, Fire Chief; and Kenneth J. Mika, Building were present.

Also present: Larry Kondrat of the Board of Waterworks Directors; and Ed Dabrowski, IT Director (Contract) were also present.

Guests: Robin Carlascio of the Idea Factory was also present.

Minutes of the Previous Meetings: The minutes of the regular meeting of 24 June 2019 was approved by general consent.

Staff Reports: The following staff reports were received and filed.

• Building & Inspection Report for June 2019

Permit Type	Number	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	0	0	0	\$0.00	\$0.00
Commercial Additions or Remodeling:	8	0	8	\$166,750.00	\$3,085.00
Signs:	7	0	7	\$61,688.00	\$3,104.50
Single Family:	0	0	0	\$0.00	\$0.00
Duplex/Condo:	0	0	0	\$0.00	\$0.00
Residential Additions:	1	1	0	\$26,891.00	\$596.00
Residential Remodeling:	114	114	0	\$1,460,675.00	\$23,279.50
Garages:	1	1	0	\$25,000.00	\$614.00
Sheds:	0	0	0	\$0.00	\$0.00
Decks & Porches:	9	9	0	\$45,325.00	\$2,176.00
Fences:	17	17	0	\$48,887.00	\$2,076.50
Swimming Pools:	7	7	0	\$0.00	\$658.00

DrainTile/ Waterproofing:	14	14	0	\$117,876.00	\$2,806.00
Miscellaneous	44	42	0	\$42,950.00	\$6,309.00
TOTAL:	222	205	17	\$1,996,042.00	\$44,704.50
Electrical Permits	24	18	06		\$2,812.00
Mechanical Permits	26	22	04		\$2,542.00
Plumbing Permits	17	15	02		\$2,010.15
Water Meters	1	1	0		\$270.00
Water Taps	0	0	0		\$0.00
Sewer/Storm Taps	0	0	0		\$0.00
TOTAL Plumbing:	18	16	02		\$2,280.15

June Code Enforcement:

Investigations: 65
 Citations: 01
 Warnings: 07

June Inspections:

Building: 56 Electrical: 29 Plumbing: 17 HVAC: 18
 Electrical Exams: 0

• Fire Department Report for June 2019

<u>Type of Call</u>	<u>Month</u>	<u>1st half of year</u>
General Alarms	07	68
Paid Still Alarms	37	187
Still Alarms	06	29
Total Alarms:	48	284

• Workplace Safety Report for June 2019

There were three workplace incidents to report in June. The following report was filed.

Department	Injuries this Month	Year to Date 2019	Total in 2018	Restricted Days 2019	Lost Workdays This Year (2019)	Restricted Days Last Year (2018)	Lost Workdays Last Year (2018)
Parks	0	0	4	0	0	0	0
Fire	0	1	0	0	0	0	0
Police	1	2	3	0	0	0	0
Street	0	0	2	0	0	0	0
Water & Sewer	2	2	4	0	0	80	46
Maint.	0	1	1	14	2	0	0
Other	0	0	0	0	0	0	0
TOTALS	3	6	14	14	2	80	46

2. **Works Board Order No. 2019-21:** An Order Approving and Authorizing A Memorandum of Understanding Between the Town of Highland, Through its Police Department and the County of Lake, Through its Board of Commissioners, Regarding Use of the Rave Mobile Safety Platform for Enhanced Public Information Dissemination.

With leave from the Town Council, the Police Chief explained that the current NIXTLE system will require charges for continued use. The Rave system will be available at no additional charge. When the transition occurs, he noted that residents will still need to enroll to be able to receive the messages.

Councilor Herak moved the passage and adoption of Works Board Order No. 2019-21. Councilor Kuiper seconded. Upon a roll call vote, there five affirmatives and no negatives. The motion passed. The order was adopted.

TOWN OF HIGHLAND
BOARD OF WORKS
ORDER OF THE WORKS BOARD NO. 2019-21

AN ORDER APPROVING AND AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF HIGHLAND, THROUGH ITS POLICE DEPARTMENT AND THE COUNTY OF LAKE, THROUGH ITS BOARD OF COMMISSIONERS, REGARDING USE OF THE RAVE MOBILE SAFETY PLATFORM FOR ENHANCED PUBLIC INFORMATION DISSEMINATION

Whereas, The Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), been Advised that the Town Board of Metropolitan Police Commissioners has recommended approval of a memorandum of Understanding to support the use by the Town of Highland Police Department of the Lake County Rave Mobile Public Safety Platform;

Whereas, The establishment, maintenance and operation of a police and law enforcement system to preserve the public peace and order, as well as providing facilities and equipment for such a system are powers expressly conferred under IC 36-8-2-2;

Whereas, The authority to contract or approve a memorandum of understanding between and by the Town of Highland Police Department and the Lake County Departments of Homeland Security & Emergency Management, and Emergency Communications Department through its Board of Commissioners, is reposed in the Town Council, pursuant to IC 36-1-4 et seq. and IC 36-8-9 et seq.;

Whereas, That memorandum of Understanding to support the use by the Town of Highland Police Department of the Lake County Rave Mobile Public Safety Platform has been prepared and presented to the Town Council following its review and recommendation for approval by the Town Board of Metropolitan Police Commissioners;

Whereas, The Town of Highland, through its Town Council acting as the Works Board, now desires to accept and approve the memorandum of Understanding as herein described,

Now Therefore Be it hereby ordered and resolved by the Town Council, acting as the Works Board of the Town of Highland, Lake County, Indiana:

Section 1. That the memorandum of Understanding (MOU) to support the use by the Town of Highland Police Department of the Lake County Rave Mobile Public Safety Platform, presented to the Town Council following its review and recommendation for approval by the Town Board of Metropolitan Police Commissioners is hereby approved, adopted, and ratified in each and every respect;

Section 2. That the terms for services set forth under the MOU for use of the system without remuneration are found to be *reasonable and not greater than that reasonably related to reasonable and just rates and charges for service*;

Section 3. That the Town Council President of the Town of Highland as the Town Executive is hereby authorized to execute the memorandum of understanding, with the town council president's signature, one original of the MOU be filed with the Clerk-Treasurer;

Section 4. That any signature authorized by this order but executed in anticipation of this order's passage and adoption, is hereby ratified as provided in IC 36-1-4-16.

Be it so Ordered.

DULY, PASSED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 8th day of July 2019 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Steven Wagner, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

EXHIBIT

Rave Mobile Safety Memorandum of Understanding

Memorandum of Understanding

Between
Town of Highland

(The Municipality)

and

The Lake County Board of Commissioners (LCBOC)

This Memorandum of Understanding (MOU) sets forth the terms and understanding between The Municipality and LCBOC for The Municipality to utilize portions of the Rave Mobile Safety platform purchased by Lake County.

Purpose

The purpose of the Rave Mobile Safety solution is to provide public information and warning to the citizens of Lake County, visitors and those traveling through the County during an event or incident. The public safety officials of The Municipality will have the ability through the Rave Mobile Safety platform to notify the residents of their municipality when managing any incident or event that requires notification of the public. The Rave Mobile Safety platform ensures an organized and efficient method of communications.

Upon execution of this memorandum, Lake County Homeland Security / Emergency Management (LCHSEMA) and Lake County Emergency Communications (LCEC) will facilitate training for The Municipality in the set up and use of the Rave Mobile Safety platform. It will be the responsibility of The Municipality to provide and maintain the database(s) of contacts necessary to effectively utilize the system.

Reporting

Representatives from The Municipality and Lake County will meet whenever necessary during this agreement to discuss any issues or training needs that may arise.

Funding

The LCBOC agrees to make portions of the Lake County Rave Mobile Safety platform available to The Municipality without remuneration for the duration of this partnership.

Duration

This MOU is at-will and may be modified by mutual consent of authorized officials from the LCHSEMA, LCEC, and The Municipality. This MOU shall become effective upon signature by the authorized officials from the LCHSEMA, LCBC, LCBOC and The Municipality, and will remain in effect until modified or terminated by any one of the partners by mutual consent. In the absence of mutual agreement by the authorized officials from LCHSEMA, LCEC, LCBOC and the Municipality this MOU shall end on June 30, 2021.

Signatures and Contact Information

Signature _____ Date _____
Lake County Board of Commissioners
Michael C. Repay, President
2293 N. Main St.
Crown Point, IN 46307
Telephone: 219-755-3200
Fax: 219-755-3064
Email: repaymc@lakecountyin.org

Signature _____ Date _____
Lake County Homeland Security & Emergency Management
Paul Petrie, Deputy Director
2900 W. 93rd Ave.
Crown Point, IN 46307
Telephone: 219-755-3549
Fax: 219-755-3559
Email: ppetrie@lakecountyin.org

Signature _____ Date _____
Lake County Emergency Communications
CJ Wittmer, Deputy Director of Operations
2293 N. Main St.
Crown Point, IN 46307
Telephone: 219-755-755-6510
Fax: 219-755-3983
Email: cwittmer@lceec911.org

Signature _____ Date _____
The Municipality Town of Highland
Printed Name Steve Wagner Title President
Address 3333 Ridge Rd., Highland, IN 46322
Telephone: 219-838-1080
Fax: 219-872-5097
E-mail: swagner@highland.in.gov

Comments or Remarks from the Town Council:
(For the Good of the Order)

- **Councilor Bernie Zemen:** *Chamber of Commerce Co-Liaison • IT Liaison • Liaison to the Board of Waterworks Directors • Liaison to the Community Events Commission.*

Councilor Zemen acknowledged the Building Commissioner who offered a survey of matters pending before the Plan Commission.

Councilor Zemen commended the Community Events Commission for its work on the Independence Day festival and parade.

Councilor Dan Vassar: *Liaison to the Park and Recreation Board.*

Councilor Vassar complimented all the municipal departments and the Community Events Commission for well executed Independence Day festival.

Councilor Vassar acknowledged the Parks and Recreation Superintendent who offered a cursory overview of events supported by or under the aegis of the Parks and Recreation Department.

- **Councilor Mark Herak:** •*Budget and Finance Chair* • *Liaison to the Board of Sanitary Commissioners* • *Town Board of Metropolitan Police Commissioners, Liaison.*

Councilor Herak also commended the Community Events Commission for its work on the recent Independence Day Festival and parade. He further acknowledged the meeting to which the elected officers of the town were invited conducted by the Police Department to coordinate and organize the detail for the parade.

Councilor Herak also thanked and acknowledged Suburban Bible Church for providing food and refreshments for the participants in the planning meeting.

Councilor Herak acknowledged the Public Works Director who reported on public works projects.

With leave from the Town Council, Councilor Herak wondered aloud about the number of residents and non-residents enjoying the Independence Day festival.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison* • *Chamber of Commerce Co-Liaison.*

Councilor Kuiper acknowledged the Fire Chief who offered a recent survey of the recent incidents to which the department responded. The Chief noted that there were no injuries in Highland associated with fireworks.

Councilor Kuiper further asked whether a call from a mobile phone to 911 to report a car breakdown while with the car would be tracked by E-911.

- **Councilor President Steve Wagner:** *Town Executive* • *Chair of the Board of Police Pension Trustees* • *Advisory Board of Zoning Appeals Liaison.*

The Council President acknowledged the Building Commissioner who offered a survey of matters pending before the Advisory Board of Zoning Appeals.

The Town Council President also lauded the Community Events Commission for the Independence Day parade and festival. He further lauded the police presence.

Study Session. The Town Council President indicated that the Town Council would convene a study session immediately following the plenary meeting.

Comments from Visitors or Residents:

1. Elijah Aurand, 9315 Farmer Drive, Highland, asked about the change to the new starting time of the Town Council. It was noted that the ordinance was adopted allowing for the elimination of the study session and instead an informal review of the agenda and then moving into the meeting. Also, notice was provided pursuant to IC 5-14-1.5 et seq.

Mr. Aurand also noted that the Town Council discussed seeking a levy shortfall appeal owing to the Meijer Store refund. Mr. Aurand stated he supported the effort and asked how residents might help with that.

2. Richard Sheeman, 9735 Wildwood Court, Highland, inquired whether there were any ordinances that regulated trees having overhang into the right of way when the tree was on private property – not the parkway.

It was noted that the Operations Director would follow-up on the matter.

Mr. Sheeman also inquired about the absence of the former "Tour of Highland" video that was on the website. He asked if an updated one would be commissioned and placed back on the website.

It was noted that the former version was dated. It was further noted that the matter was being explored.

Mr. Sheeman further noted that Councilor Zemen used his home e-mail for communications rather than the one provided by the municipality. Mr. Sheeman asked why Mr. Zemen did not use the public address rather than his personal email address.

Councilor Zemen stated he used his own email address because it was easier for him.

3. George Rylander, 9030 Ohio Place, Highland, reported that his back yard was flooding during storms and that this was not an occurrence before. Mr. Rylander inquired if a possible cause of the increased backyard flooding was attributable to the addition of Hillside Funeral Home, 8941 Kleinman Road. (The rear of the site is proximate to the properties on Ohio Place.)

With leave from the Town Council, there was a colloquy between and among Councilor Herak, Councilor Vassar and the Public Works Director. Councilor Herak stated that steps were being considered by the Board of Sanitary Commissioners to provide a possible remedy. The colloquy included a discussion of the need for Hillside to create a retention pond.

It was determined that the Public Works Director and the Building Commissioner would follow-up with Mr. Rylander following the meeting.

4. Art Adams, _____ Ohio Place, Highland, indicated that he owned three properties on Ohio Place and he had severe flooding problems noting that the water was coming up and into the ducts at the base of the house. He stated that this occurs during heavy rains.
5. Joe Myers, 9127 Waymond, Highland, reported that he was concerned about people driving too fast in the neighborhood. He further reported that there were fireworks being combusted in the neighborhood that were not consumer type and were very loud. He further reported that he had an adoptive puppy and the reports of the fireworks combusting disturbs his dog. He asked for more enforcement.

Mr. Myer asked how kids were obtaining these fireworks that he opined were illegal.

6. Barbara Cowen, 9044 Ohio Place, Highland, complained of heavy flooding at her backyard. She further stated that the water was not being collected by the nearby storm sewer.
7. Larry Kondrat, 8115 Fourth Place East, Highland, noted that there was an issue with the School Town changing out its existing football field turf with artificial turf and its impact on watersheds. Mr. Kondrat advocated for making the Ohio Place flooding a priority.
8. Richard Sheeman, 9735 Wildwood Court, Highland, referring to the Ohio Place resident's complaint that the flooding was coming up the base ducts or vents, noted

that his condominium association had to take steps to provide protection for 1st floor ducts or vents.

9. Mirela Jeknic, 9728 Laurel court, Munster, Indiana, noting that she wished to share some comments related to her recent experience with the Independence Day festival and parade, said that she found the experience of walking in the downtown a positive one, particularly speaking favorably about the newly opened soft service ice cream shop called the Counter, on Highway Avenue.

Ms. Jeknic further suggested that perhaps the hiring of younger persons by the several fireworks vendors may explain how younger persons obtain the heavier, non-consumer fireworks. Those site may not sell them but the workers might be able to order the fireworks through the association with the vendor. Ms. Jeknic suggested that the Town enact greater regulations on these vendors.

10. A woman who identified herself as George Rylander's daughter, stated that she understood that the fireworks ordinance was distributed by the Police Department. She asked that the Police Department enforce the ordinance.

With leave from the Town Council, the Fire Chief and the Police Chief explained how without either an eyewitness complaint or a police officer actually seeing the persons triggering the offending fireworks, it is difficult to enforce. The Fire Chief further explained that state law prohibits or preempts the Town from doing very much enforcement or regulation of the fireworks vendors.

Payment of Accounts Payable Vouchers. There being no further comments from the public, Councilor Zemen moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period June 26, 2019 through July 08, 2019 as well as ratifying the payroll dockets for the paydays of June 21. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for the vendor docket were allowed, payments allowed in advance were ratified including the payroll dockets, and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$317,592.85; Motor Vehicle Highway and Street (MVH) Fund, \$23,642.15; Law Enforcement Continuing Education and Training and Supply Fund, \$960.00; Corporation Bond and Interest Fund, \$214,284; Flexible Spending Account Agency Fund, \$816.24; Insurance Premium Agency Fund, \$181,364.14; Gasoline Payment Agency Fund, \$2,129.34; Information Communications Technology Fund, \$10,661.75; Solid Waste District Grant Fund, \$400.00; Civil Donation Fund, \$80.75; Special Events Non Reverting Fund, \$11,254.49; Municipal Cumulative Capital Development Fund, \$4,620.00; Traffic Violations and Law Enforcement Agency Fund, \$2,750.00; Gaming Revenue Sharing Fund, \$226.85; Total: \$770,782.56.

Payroll Docket for payday of June 21, 2019:

Council, Boards and Commissions, \$10,510.06; Office of Clerk-Treasurer, \$15,717.78; Building and Inspection Department, \$8,063.51; Metropolitan Police Department, \$123,678.75; Fire Department, \$3,993.88; Public Works Department (Agency), \$70,838.28; and Police Pension, \$69,548.03. Total Payroll: \$302,350.29.

Adjournment of Plenary Meeting. Councilor Vassar moved that the plenary meeting be adjourned. Councilor Kuiper seconded. Upon a vote *viva voce*, the motion passed. The

regular (rescheduled) plenary meeting of the Town Council of Monday, July 08, 2019 was adjourned at 7:31 O'clock p.m.

Study Session Immediately Following Plenary Meeting. The Twenty-Eighth Town Council of the Town of Highland, Lake County, Indiana met in a study session immediately following the regular plenary meeting on Monday, July 08, 2019 at 7:40 O'clock P.M. in the regular place, the upper meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Dan Vassar, Konnie Kuiper and Steve Wagner were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Esq., Town Attorney; John M. Bach, Public Works Director; Peter T. Hojnicky, Police Chief; William R. Timmer, Jr., CFOD, Fire Chief; and Kenneth J. Mika, Building were present.

Also present: Ed Dabrowski, IT Director (Contract) was also present.

General Substance of Matters Discussed.

1. *WAHM Bicycle Ride Authorized Route.* The Town Council reviewed and discussed the with the Police Chief the desired route in Highland for event, styled as WAHM – Whiting and Hammond Midnight Bike ride --, which actually seeks a 30 mile route. It was noted that the extra staffing would likely be provided by the Volunteers In Policing Services (VIPS). It was noted that added route information was needed.
2. *Flooding on Ohio Place.* The Town Council and the Public Works Director discussed the matters raised in the plenary meeting from the residents of Ohio Place regarding the flooding. The Public Works Director explained the variables contributing to the issue besides those explained in the meeting. He discussed the flood control system that Griffith constructed that routes flood water to Cady Marsh. He noted that the system that removes the large debris that accumulates in the flow has not worked recently and that causes undue obstruction. The Public Works Director explained how when Cady Marsh rises to a certain level from heavy rains, it is higher than some of the storm sewer collection grates on Laverne Drive. It was noted that the Board of Sanitary Commissioners was considering remedies.

There being no further matters to be discussed, the Study Session following the plenary meeting of the Town Council of Monday, July 08, 2019 was adjourned at 7:55 o'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer

Approved by the Town Council at its meeting of _____, 2019.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer